

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

RONNIE MULLINS,

Plaintiff,

v.

Civil Action No. 1:06CV105
(CHIEF JUDGE KEELEY)

UNITED STATES OF AMERICA,
ET AL,

Defendants.

ORDER DENYING RELIEF REQUESTED IN LETTER DOCKETED AS A MOTION

On October 26, 2006, pro se plaintiff, Ronnie Mullins, sent a letter to the Clerk stating that he asked the manager of his unit at FCI Gilmer to make copies of his records of the grievance procedure which is the subject matter of the complaint in response to the order of the court that he file proof of exhaustion of his administrative remedies. Plaintiff claims that when the records were returned that some documents were missing. Plaintiff further contends that his documents were intentionally stolen and requests the court to investigate what plaintiff claims are criminal acts.

The Clerk docketed the letter as a motion for the court to investigate FCI Gilmer in regards to missing documents by Ronnie Mullins.

This is a civil action. The Federal Rules of Criminal Procedure govern the procedure in all criminal proceedings. Fed. R. Crim. P. 1(a). In order to file criminal charges, a complaint must be made in writing stating the essential facts constituting the offense charged under oath before a magistrate judge. Fed. R. Crim. P. 3. If a magistrate judge is not available, the complaint may be made before a state or local judicial officer. Id.

To the extent the letter filed with the clerk constitutes a motion in this civil action, it is **DENIED** because it relates to allegations of criminal conduct.

The Clerk of the Court is directed to provide a copy of this Order to parties who appear pro se and all counsel of record, as applicable, as provided in the Administrative Procedures for Electronic Case Filing in the United States District Court for the Northern District of West Virginia.

DATED: July 10, 2007

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE